

## GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAR Case 2022-G506, Standardizing the Identification of Deviations in the GSAR

1. Purpose. This order transmits a revision to the General Services Administration Acquisition Regulation (GSAR) to standardize references to FAR deviations in the GSAR and General Services Administration Acquisition Manual (GSAM).
2. Background. Currently, the GSAR and GSAM have inconsistent references to FAR deviations in their text, and thus the location of FAR deviations is not readily apparent to readers. In light of this issue, GSA is publishing this amendment with the aim of enhancing the visibility of FAR deviations within the GSAR and GSAM by ensuring their visibility in the table of contents for each relevant subpart, as well as within specific subdivisions. Additionally, GSA seeks to standardize language used to introduce the impact of individual FAR deviations within the text.
3. Effective date. August 2, 2024.
4. Explanation of changes. This amendment includes regulatory and non-regulatory changes. For full text changes of the amendment see Attachment A, GSAR Text Line-In/Line-Out.

This amendment revises the language of the following GSAR subparts:

- 512.2 (Special Requirements for the Acquisition of Commercial Products and Commercial Services)
  - 512.216 (Unenforceability of unauthorized obligations (FAR DEVIATION))-
    - Adds the phrase "(FAR DEVIATION)" to the title of the subsection.
    - Adds the phrase "FAR deviation." immediately in front of the opening text of the subsection. Further states that "GSA has a deviation from FAR..." to standardize FAR deviation references.
- 512.3 (Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services)
  - 512.301 (Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services (FAR DEVIATION))-
    - Adds the phrase "(FAR DEVIATION)" to the title of the subsection.
    - In subsection (b) states that: "GSA has a deviation from FAR..." to standardize FAR deviation references.

- 527.4 Rights in Data and Copyrights
  - 527.409 (Contract clauses (FAR DEVIATION))-
    - Adds the phrase “(FAR DEVIATION)” to the title of the subsection.
    - Adds the phrase “FAR deviation.” immediately in front of the opening text of the subsection. Further states that “GSA has a deviation from FAR...” to standardize FAR deviation references.
- 532.1 Financing for Other Than a Commercial Purchase
  - 532.111 (Contract clauses for non-commercial purchases (FAR DEVIATION))-
    - Adds the phrase “(FAR DEVIATION)” to the title of the subsection.
    - In subsection (a) states that: “GSA has a deviation from FAR...” to standardize FAR deviation references.
- 532.7 Contract Funding
  - 532.706-3 Contract clauses for unenforceability of unauthorized obligations (FAR DEVIATION))-
    - Adds the phrase “(FAR DEVIATION)” to the title of the subsection.
    - Adds the phrase “FAR deviation.” immediately in front of the opening text of the subsection. Further states that “GSA has a deviation from FAR...” to standardize FAR deviation references.
- 532.9 Prompt Payment
  - 532.908 (Contract clauses (FAR DEVIATION))-
    - Adds the phrase “(FAR DEVIATION)” to the title of the subsection and makes lowercase the “c” in “clauses.
    - In subsection (b)(1), adds the phrase “FAR deviation.” immediately in front of the opening text of the subsection. Further states that “GSA has a deviation from FAR...” to standardize FAR deviation references.
- 536.7 Art in Architecture
  - 536.7107 (Contract clauses (FAR DEVIATION))-
    - Adds the phrase “(FAR DEVIATION)” to the title of the subsection.
    - In subsection (a), states that “GSA has a deviation from FAR...” to standardize FAR deviation references.
- 541.5 Solicitation Provisions and Contract Clauses
  - 541.501 (Contract clauses (FAR DEVIATION))-
    - Adds the phrase “(FAR DEVIATION)” to the title of the subsection.
    - In subsection (a), states that “GSA has a deviation from FAR...” to standardize FAR deviation references.
- 552.1 Instructions for Using Provisions and Clauses
  - 552.103 (Identification of provisions and clauses)-
    - Adds new (b)(1)(i) that states that GSAR provisions and clauses with a FAR deviation shall end with the phrase “(FAR DEVIATION)”
    - Adds new (b)(1)(ii) that states that text at the beginning of the prescription should start with “*FAR deviation.*” and state that “GSA has a deviation from FAR ...” to standardize text references.
    - Adds new (b)(2)(i) that states that GSAR provisions and clauses with a GSAR deviation shall end with the phrase “(GSAR DEVIATION)”
    - Adds new (b)(1)(ii) that states that text at the beginning of the prescription should start with “*GSAR deviation.*” and state that

“GSA has a deviation from GSAR ...” to standardize text references.

- 552.107 (Provisions and clauses prescribed in subpart 552.1 (FAR DEVIATION))-
  - Changes the title from “[Reserved]” to “Provisions and clauses prescribed in subpart 552.1 (FAR DEVIATION)”
  - Adds the phrase “FAR deviation.” immediately in front of the opening text of the subsection. Further states that “GSA has a deviation from FAR...” to standardize FAR deviation references.
- 552.2 Text of Provisions and Clauses
  - 552.212-4 (Contract Terms and Conditions-Commercial Products and Commercial Services (FAR DEVIATION))-
    - Removes the phrase “52.212-4” from the clause title and replaces it with the phrase “(FAR DEVIATION)”.
    - Adds in the clause title deviation “FAR” 52.212-4.

This amendment revises the language of the following GSAM subparts:

- 512.2 (Special Requirements for the Acquisition of Commercial Products and Commercial Services)
  - 512.216 (Unenforceability of unauthorized obligations (FAR DEVIATION))- Adds the phrase “FAR Deviation” immediately in front of the opening text of the subsection. Further states that “GSA has a deviation from FAR...” to standardize FAR deviation references.
- 512.3 (Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services)
  - 512.302 (Tailoring of provisions and clauses for the acquisition of commercial products and commercial services)-
    - Adds the phrase “(FAR DEVIATION)” to the title of the subsection.
    - In subsection (b), adds the phrase “FAR deviation” immediately before the first sentence and begins the first sentence with the phrase “GSA has a deviation from FAR...” to standardize FAR deviation references.
- 536.6 Architect-Engineer Services
  - 536.602-1 (Selection Criteria (FAR DEVIATION))-
    - Adds the phrase “(FAR DEVIATION)” to the title of the subsection.
    - Adds the phrase “FAR Deviation” immediately in front of the opening text of the subsection. Further states that “GSA has a deviation from FAR...” to standardize FAR deviation references.
- 541.2 Acquiring Utility Services
  - 541.201 (Policy (FAR DEVIATION))-
    - Adds the phrase “(FAR DEVIATION)” to the title of the subsection.
    - In subsection (b), adds the phrase “FAR deviation” immediately before the first sentence and begins the first sentence with the phrase “GSA has a deviation from FAR...” to standardize FAR deviation references.
  - 541.204 (GSA areawide contracts (FAR DEVIATION))-
    - Adds the phrase “(FAR DEVIATION)” to the title of the subsection.

- In subsection (b), makes lowercase the “d” in the phrase “FAR deviation” immediately before the first sentence and begins the first sentence with the phrase “GSA has a deviation from FAR...” to standardize FAR deviation references.
  - 542.15 Contractor Performance Information
    - 542.1502 (Policy (FAR DEVIATION))-
      - Adds the phrase “(FAR DEVIATION)” to the title of the subsection.
      - Makes lowercase the “d” in the phrase “FAR deviation” immediately before the first sentence.
5. Point of contact. For clarification of content, contact Daniel Frias or Bryon Boyer, GSA Acquisition Policy Division, at [gsarpolicy@gsa.gov](mailto:gsarpolicy@gsa.gov).

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**GSAM Baseline: Change 183 effective 07/08/2024**

- Additions to baseline made by rule are indicated by [bold text in brackets]
- Deletions to baseline made by rule are indicated by strikethroughs
- Five asterisks (\* \* \* \* \*) indicate that there are no revisions between the preceding and following sections
- Three asterisks (\* \* \*) indicate that there are no revisions between the material shown within a subsection
- Regulatory GSAR language is indicated by shaded text
- Non-regulatory GSAM language is indicated by unshaded text

**Part 512 - Acquisition of Commercial Products and Commercial Services**

**Subpart 512.2 - Special Requirements for the Acquisition of Commercial Products and Commercial Services**

**Part 512-Acquisition of Commercial Products and Commercial Services**

**Subpart 512.2 - Special Requirements for the Acquisition of Commercial Products and Commercial Services**

512.216 Unenforceability of unauthorized obligations **[(FAR DEVIATION)]**.

**[FAR deviation.]** GSA has a deviation **[from]** ~~to~~-FAR 12.216 for this section. For commercial contracts, supplier license agreements are referred to as commercial supplier agreements (defined in 502.101). Paragraph (u) of clause 552.212-4 prevents violations of the AntiDeficiency Act (31 U.S.C. 1341) for supplies or services acquired subject to a commercial supplier agreement.

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**Subpart 512.3 - Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services**

512.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial ~~S~~**[s]**ervices **[(FAR DEVIATION)]**.

\* \* \* \* \*

(b) *FAR deviation.* GSA has a FAR deviation [from FAR 52.212-4] that allows use of the clause at 552.212-4 in lieu of the FAR clause at 52.212-4. Insert the clause at 552.212-4, Contract Terms and Conditions-Commercial Products and Commercial Services, in lieu of the FAR clause at 52.212-4. This clause may be tailored in accordance with FAR 12.302 and GSAM 512.302.

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512.302 Tailoring of provisions and clauses for the acquisition of commercial products and commercial services [(FAR DEVIATION)].

(b) [*FAR deviation.* GSA has a deviation from FAR 52.212-4, which allows the use of the clause at 552.212-4 in lieu of the FAR clause at 52.212-4.] Paragraph (w) of 552.212-4, Contract Terms and Conditions - Commercial products and Commercial Services (~~FAR DEVIATION~~), implements statutory requirements, clarifies the application of statutory requirements to common terms and conditions in commercial supplier agreements, sets forth a list of such terms and conditions that do not meet the Government's needs, and shall not be tailored.

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## Part 527 - Patents, Data, and Copyrights

### Subpart 527.4 - Rights in Data and Copyrights

527.409 Contract clauses [(FAR DEVIATION)].

[*FAR deviation.*] GSA has a [deviation from] FAR [52.227-17] deviation that allows use of the clauses in paragraphs (a) and (b) of this section in lieu of the FAR clause at 52.227-17.

(a) Except as provided in paragraph (b) of this section, insert 552.227-70, Government Rights (Unlimited), in lieu of the FAR clause at 52.227-17, in solicitations and contracts for—

(1) Architect-engineer services.

(b) If the Government requires sole property rights and exclusive control over the design and data, insert the clause at 552.227-71, Drawings and Other Data to Become Property of Government, in lieu the clause at FAR 52.227-17 in solicitations and contracts for—

(1) Architect-engineer services.

(2) Construction contracts involving architect-engineer services.

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## Part 532 - Contract Financing

### Subpart 532.1 - Financing for Other Than a Commercial Purchase

532.111 Contract clauses for non-commercial purchases **[(FAR DEVIATION)]**.

(a) *FAR deviation.* GSA has a **[deviation from] FAR [52.232-1] deviation** that allows use of the clause at 552.232-1 in lieu of the FAR clause at 52.232-1. Insert the clause at 552.232-1, Payments, in solicitations and contracts when a fixed-price supply contract, a fixed-price service contract, or a contract for nonregulated communication services is contemplated, in lieu of the FAR clause at 52.232-1.

(b) *Construction contracts.* Insert the clause at 552.232-5, Payments under Fixed-Price Construction Contracts, in solicitations and contracts when a fixed-price construction contract is contemplated.

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### Subpart 532.7 - Contract Funding

532.706-3 Contract clauses for unenforceability of unauthorized obligations **[(FAR DEVIATION)]**.

**[FAR deviation.]** GSA has a **[deviation from] FAR [52.232-39] deviation** that allows use of the clause in paragraph (a) of this subsection in lieu of the FAR clause at 52.232-39.

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### Subpart 532.9 - Prompt Payment

532.908 Contract clauses **[(FAR DEVIATION)]**.

\* \* \* \* \*

(b) *Stock, Special Order, and Schedules Programs.*

(1) **[FAR deviation.]** GSA has a **[deviation from] FAR [52.232-25] deviation** to authorize payment within 10 days of receipt of a proper invoice. The authority applies only to:

(i) Orders placed by GSA under Stock, Special Order, and Schedules programs;

(ii) That include FAR clause at 52.232-33, Mandatory Information for Electronic Funds Transfer Payment; and

(iii) For which the order is placed, and the contractor submits invoices using EDI in accordance with the Trading Partner Agreement.

(2) If the contract is for other than commercial products or commercial services, use the clause at 552.232-25, Prompt Payment, in lieu of the FAR clause at 52.232-25.

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**Part 536 - Construction and Architect-Engineer Contracts**  
**Subpart 536.6 - Architect-Engineer Services**

536.602-1 Selection criteria **[(FAR DEVIATION)]**.

(a) \* \* \*

(3) **[FAR deviation.]** ~~FAR Deviation.~~ **[GSA has a deviation from FAR 36.602-1(a) regarding the contractor location factor.]** ~~Under an approved class deviation from FAR 36.602-1(a)(5), [T]this factor does not apply to projects that the Chief Architect of GSA determines have national significance.~~

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**Subpart 536.7 - Art in Architecture**

536.7107 Contract C[c]lauses **[(FAR DEVIATION)]**.

(a) *FAR deviation.* GSA has a **[deviation from] FAR [52.216-17]** ~~deviation~~ that allows the clause 552.236-79 in lieu of the FAR clause at 52.216-17. Insert a clause substantially the same as the clause at 552.236-79, Construction-Manager-As-Constructor, in solicitations and contracts if construction, dismantling, or removal of improvements is contemplated when a CMc project delivery method will be followed in lieu of the FAR clause at 52.216-17.

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**Part 541 - Acquisition of Utility Services**

**Subpart 541.2 - Acquiring Utility Services**

541.201 Policy **[(FAR DEVIATION)]**.

\* \* \* \* \*



(b) [~~FAR deviation.~~] FAR Deviation. **[GSA has a deviation from FAR 41.202.]**  
Notwithstanding the policy as set forth at FAR 41.201(b), GSA is exempt from the requirement to acquire a bilateral written contract for the acquisition of utility services from regulated utility providers and further exempt from the procedures listed in FAR 41.202 when acquiring such services. Instead, GSA will follow the Regulated Utility Service Procedures set forth at <https://insite.gsa.gov/utilityacquisition>.

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541.204 GSA areawide contracts **[(FAR DEVIATION)]**.

\* \* \* \* \*

(b) FAR [~~d~~]Deviation. **[GSA has a deviation from FAR 41.204.]**  
(1) Except as may be otherwise required by the terms of the areawide contract, and notwithstanding the requirement at FAR 41.204(c)(1), a bilateral written order is not required to establish new accounts or to pay for services rendered under an areawide contract.  
(2) Notwithstanding the requirement at FAR 41.204(c)(3), the contracting officer does not have to use the Standard Form 26.  
(3) Instead, GSA will follow the Regulated Utility Service Procedures set forth at <https://insite.gsa.gov/utilityacquisition>.

#### Subpart 541.5 - Solicitation Provisions and Contract Clauses

541.501 Contract clauses **[(FAR DEVIATION)]**.

(a) FAR deviation. GSA has a **[deviation from] FAR [52.232-19] deviation** that allows use of the clause at 552.241-70 in lieu of the FAR clause at 52.232-19. Insert the clause at 552.241-70, Availability of Funds for the Next Fiscal Year or Quarter, in lieu of the FAR clause at 52.232-19, in all utility acquisitions.

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#### Part 542 - Contract Administration and Audit Services

##### Subpart 542.15 - Contractor Performance Information

542.1502 Policy **[(FAR DEVIATION)]**.  
FAR ~~D~~[~~d~~]eviation. Past performance evaluations for regulated utility contracts and orders procured on a non-competitive basis in accordance with FAR Part 41 shall not be entered into CPARS. Performance issues shall be reported directly to the applicable independent regulatory bodies as described in [FAR 41.103](#)(a)(1).

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#### Part 552 - Solicitation Provisions and Contract Clauses

## Subpart 552.1 - Instructions for Using Provisions and Clauses

552.103 Identification of provisions and clauses.

\* \* \* \* \*

(b) Deviations. (1) Federal Acquisition Regulation deviations. When a GSAR provision or clause is used with an authorized deviation in lieu of a FAR provision or clause in a solicitation or contract, it shall be identified by[-

(i) **The addition of “(FAR DEVIATION)” after the date of the GSAR provision or clause.**

(ii) **The addition of standardized language at the beginning of the prescription that reads “*FAR deviation. GSA has a deviation from FAR (clause number)...*”.]**  
~~number, title, date, and the deviation label ( e.g., 552.232-1, Payments (NOV 2009) (DEVIATION FAR 52.232-1)). The deviation label consists of the text “DEVIATION FAR” and the applicable FAR provision or clause number enclosed in parentheses ( e.g., (DEVIATION FAR 52.232-1)).~~

(2) General Services Administration Acquisition Regulation deviations. When a GSAR provision or clause is used with an authorized deviation in a solicitation or contract, it shall be identified by[-

(i) **The addition of “(GSAR DEVIATION)” after the date of the GSAR provision or clause.**

(ii) **The addition of standardized language at the beginning of the prescription that reads “*GSAR deviation. GSA has a deviation from GSAR (clause number)...*”.]**  
~~number, title, date, and the text “(DEVIATION)” inserted after the date ( e.g., 552.232-1, Payments (NOV 2009) (DEVIATION)).~~

\* \* \* \* \*

552.107 ~~[Reserved]~~ **[Provisions and clauses prescribed in subpart 552.1 (FAR DEVIATION).]**

~~552.107-70 Provisions and clauses prescribed in.~~

**[*FAR deviation.*] GSA has a [deviation from] FAR [52.252-5] deviation** ~~that allows use of the following provisions and clause[s] in lieu of the FAR provision at 52.252-5 and the FAR clause at 52.252-6.~~

(a) Insert the provision at 552.252-5, Authorized Deviations in Provisions, in solicitations that include any FAR or GSAR provision with an authorized deviation in lieu of the FAR provision at 52.252-5.

(b) Insert the clause at 552.252-6, Authorized Deviations in Clauses, in solicitations and contracts that include any FAR or GSAR clause with an authorized deviation in lieu of the FAR clause at 52.252-6.

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**Subpart 552.2 - Text of Provisions and Clauses**

\* \* \* \* \*

552.212-4 Contract Terms and Conditions—Commercial Products and Commercial Services (FAR DEVIATION ~~52.212-4~~).

As prescribed in 512.301(b), replace subparagraph (g)(2), paragraph (s), and paragraph (u) of FAR clause 52.212-4. Also, add paragraph (w) to FAR clause 52.212-4:

Contract Terms and Conditions—Commercial Products and Commercial Services (FAR DEVIATION **[FAR]** 52.212-4) (JAN 2023)

\* \* \* \* \*